

**W444**

**COMPREHENSIVE PLAN SPECIFICATIONS:** In Conformance. The 2025 Lincoln-Lancaster County Comprehensive Plan shows this area as commercial. Soil excavation is

a specially permitted use in the H-4 General Commercial zoning district. This is an existing operation.

**HISTORY:** Special Permit 1778A for soil excavation on this site was approved by Planning Commission on June 27, 2001, for a period of three years. Special Permit 1778 for soil excavation on this site was approved by Planning Commission on June 30, 1999, for a period of three years. A special permit for soil excavation was approved on this site in February 1996 (SP #1599), after appeal to the City Council. Special Permit 1530 was approved in January 1995 for excavation on the land abutting to the east of this land. The land to the west of this was changed from AG Agriculture to H-4 General Commercial in June 1994. Changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update.

**SPECIFIC INFORMATION:**

**UTILITIES:** Not available. This area is in the future urban service area shown in the Comprehensive Plan.

**TOPOGRAPHY:** Gently rolling hills, falling off to the south and east, however, prior excavation has leveled part of this site.

**TRAFFIC ANALYSIS:** Arbor Road was paved during the summer of 2000.

**PUBLIC SERVICE:** This area is served by the Waverly School District, the Waverly Rural Fire District, and is in the LES service area.

**REGIONAL ISSUES:** The Ethel S. Abbot Sports Complex is located about ½ mile southeast of this site off of 70th Street. The most direct route to the soccer fields from Interstate 80 is the 56th Street Interchange to Arbor Road to 70th Street. This route goes past the proposed soil excavation site.

**ENVIRONMENTAL CONCERNS:** The proposed excavation includes issues of dust control, erosion control, restoration of topsoil and vegetation, sedimentation control, and potential groundwater contamination impacts. There are no Historic or Ecological resources identified on or near this site. The soil rating is 6.7. This is not prime agriculture soil and has been disturbed by prior excavation.

**AESTHETIC CONSIDERATIONS:** This site abuts the Interstate 80 right-of-way and is along an entry-way corridor into the city. Additionally, people accessing the soccer field from 56th Street along Arbor Road will pass this site.

**ALTERNATIVE USES:** Agricultural or Commercial uses.

**ANALYSIS:**

1. This is an existing special permit for a sand, gravel, and soil excavation operation on a 17 acre site generally located on the north side of Arbor Road between North 56th and 70th streets. The existing permit expired July 1, 2003.
2. The applicant is requesting that the permit be allowed for an additional 3 years. No changes to the site plan are requested.
3. Arbor Road was paved during the summer (July-August) of 2000.
4. The prior permit was approved in June 1, 2001, ending on July 1, 2003 .
5. A prior issue of the operation at this site has been dust, the prior permit was conditioned on the paving of Arbor Rd. to resolve the issue.
6. If approved, the language would allow the permit to continue to July 1, 2007.

**CONDITIONS:**

1. This approval permits a soil, sand and gravel excavation operation for a period of one (1) year, which may be renewed by administrative amendment, on an annual basis, for up to 3 years from the date of approval.

General:

2. Before beginning operations:
  - 2.1 The construction plans shall comply with the approved plans.
  - 2.2 No grading shall occur along the Arbor Road without the written permission of the County Engineer.

**STANDARD CONDITIONS:**

3. The following conditions are applicable to all requests:
  - 3.1 All privately-owned improvements shall be permanently maintained by the owner.

- 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.3 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
- 4. All resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

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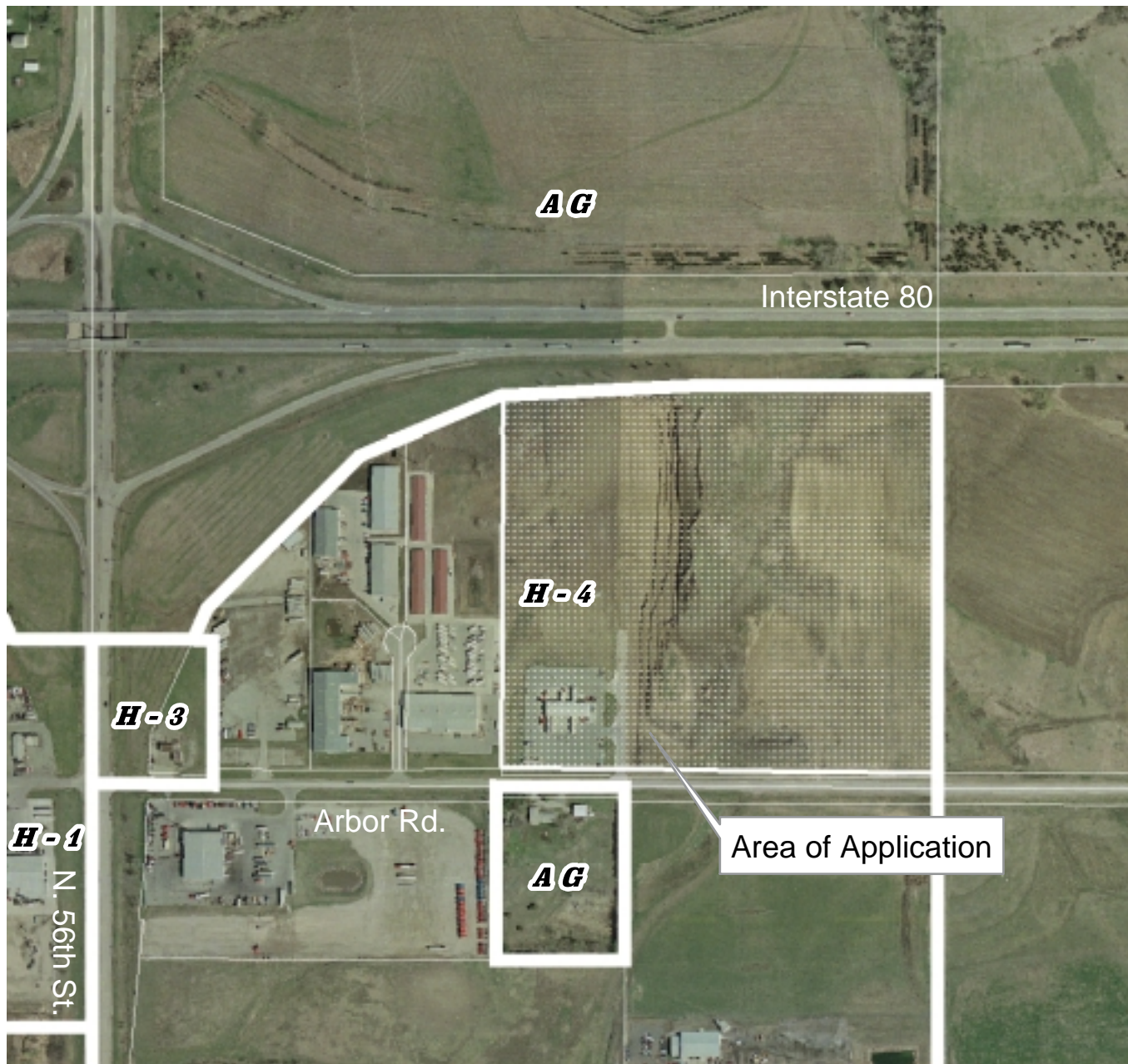
Mike DeKalb, 441-6370, [mdekalb@ci.lincoln.ne.us](mailto:mdekalb@ci.lincoln.ne.us)  
Planner  
April 9, 2004

**APPLICANT:** Wapiti Enterprises, Inc.  
10251 S.W. 27<sup>th</sup> Street  
Lincoln, NE 68523  
(402) 432 - 2500

TR Novak, LLC  
5921 S. 77<sup>th</sup> Street  
Lincoln, NE 68516

**OWNER:** Wapiti Enterprises Inc  
and  
TR Novak, LLC

**CONTACT:** Mark Hunzeker  
Pierson, Fitchett, Hunzeker, Blake and Katt  
1045 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
(402) 476-7621

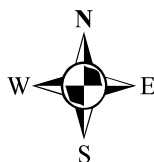


2002 aerial

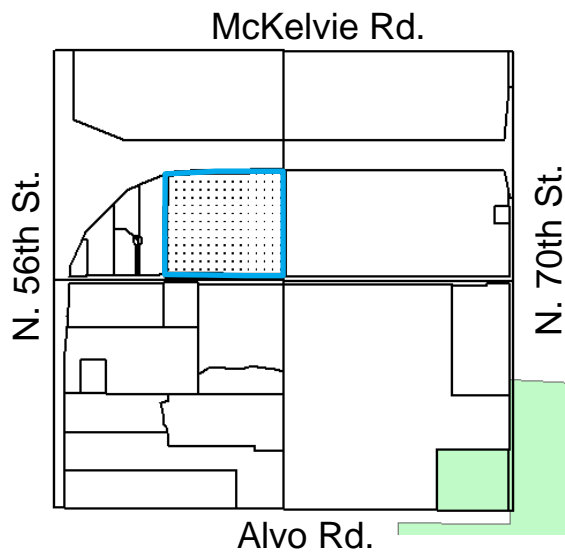
# **Special Permit #1778B** **N. 56th & Arbor Rd.** **Sand & Gravel Excavation** **Zoning:**

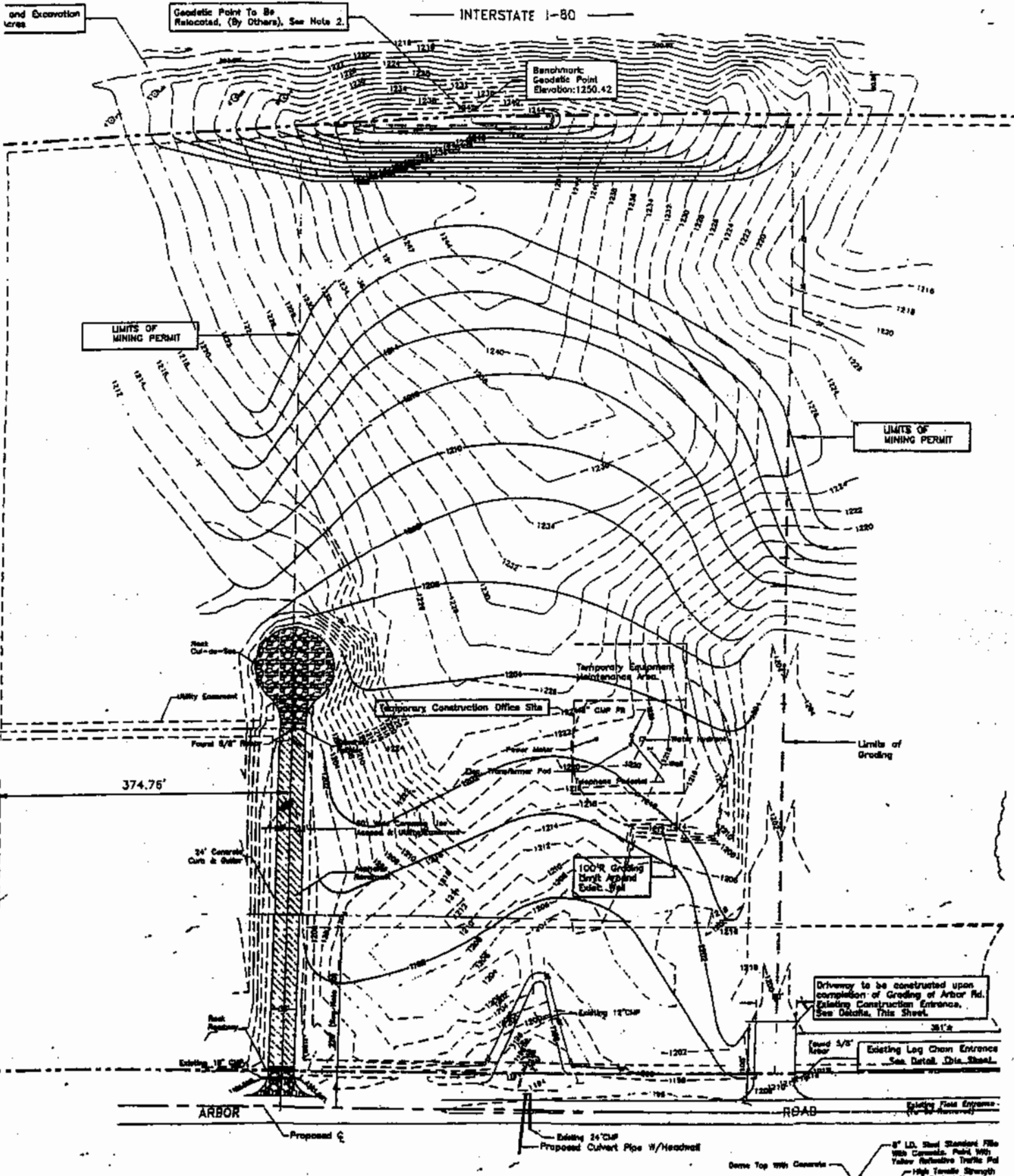
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 28 T11N R7E



Zoning Jurisdiction Lines  
 City Limit Jurisdiction






**Special Permit #1778B**  
**58th & Arbor Road**  
**Soil Excavation**

3/3

052

## NOTES:

1. No grading shall take place within a 100' radius of an existing water well, until the well has been properly abandoned according to State of Nebraska Health Department Rules governing well abandonment.
2. The Contractor shall be responsible for contacting the Nebraska Department of Roads prior to any site grading within the general vicinity of the U.S.G.S. Geodetic Point #406-1, so that the Geodetic Point can be relocated by the Department of Roads.
3. The Contractor shall provide a suitable area on-site for the temporary storage of the topsoil that is removed as a result of the mining operation. This storage area shall be located no closer than 300' from the nearest road and shall be protected from erosion and runoff by a Low Porosity Silt Fence Barrier constructed around the stockpiled topsoil. The Contractor shall maintain this barrier until such a time when the topsoil is redistributed to the finished grade as shown on this plan.
4. Temporary Straw Bale Sediment Check Dams shall be constructed at the locations indicated on this Plan. These Check Dams shall be constructed when the mining operation is in the general vicinity of a drainage swale. The Contractor shall be responsible for the maintenance of the Check Dams until such a time that sufficient vegetation has been established to adequately control erosion and runoff.
5. All Trees marked  shall be removed by others, unless otherwise noted.
6. At the end of grading operations each day, all gates shall be closed and locked in order to minimize the possibility of unauthorized entry onto the site.
7. The mining operations to be done according to this plan shall be conducted in phases as determined by the Owner. After the topsoil has been redistributed to the proposed contours as shown on this plan and a suitable cover crop has been planted to control erosion, the Contractor shall be allowed to commence excavation on another phase. No phase shall exceed 10 Acres.
8. To minimize the possibility of contamination the Contractor shall perform equipment maintenance in the area designated on this plan.

# ROSS

ENGINEERING, INC.  
DESIGNERS • ENGINEERS • SURVEYORS



650 J Street  
Suite 210  
Lincoln, NE 68508  
Phone 402-474-7677  
FAX 402-474-7678

Revisions

1 01/21/97

Scale 1"=60'

Drawn LEF

Checked

Approved

-1A

01GP3

16/99

12/99



Job # 778-  
File 778-  
Date 02/  
Page 6

NEBRASKA

**WAPITI ENTERPRISES, INC.**

**5700 ARBOR ROAD**

9. All contours on this plan are at two foot intervals and are U.S.G.S. datum. Proposed contours reflect the finished grade AFTER the topsoil has been redistributed.
10. The proposed contours along Arbor Road match into the proposed contours developed by the Lancaster County Engineer's Office. For information concerning the proposed changes call 402-441-7681.
11. DIAL BEFORE YOU DIG: Call 1-800-331-5666 for the location of Underground Telephone, Electric, Gas Mains, Public Wastewater Mains, Public Water Mains, Traffic Signals and Cablevision.
12. No Grading shall take place within the State R.O.W. until an approved permit is obtained from the Nebraska Department of Roads.
13. Proposed Construction Drives shall be in accordance with the Lancaster County Engineers Office, Driveway Access Permit.
14. Temporary Slopes between Proposed Phases of excavation will be at 4:1.
15. Permanent seeding will be placed for erosion upon the completion of each phase of excavation prior to beginning of the next subsequent phase.
16. Permanent seeding will be done in accordance with the Lower Platte South Natural Resource District.  
A Manual of: Erosion and Sediment Control and Stormwater Management Standards.  
Standard Specification: No. 6.63 Permanent Seeding.
17. Two handicap parking stalls will be provided at the location of the office site and will conform to the standards of the Americans with Disabilities Act.
18. Dust control will be provided by irrigation of disturbed sites according: Lower Platte South Natural Resource District  
A Manual of: Erosion and Sediment Control and Stormwater Management Standards.  
Standard Specification: No. 6.21 Dust Control.
19. A water truck will be available on site to provide the required irrigation to control dust. Permanent seeding will be required of completed phases.
20. No East-West segment of an internal roadway will be no closer than 228 feet North of proposed centerline of Arbor Road, as indicated by — — — — — line. Speed limit on the internal roadway system shall be 10 miles per hour.



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21. Toilet facilities at the temporary construction office site shall be provided to the satisfaction of the Health Department.

22. Hours of Operation shall be 7 a.m. to 7 p.m., Monday through Friday; 7 a.m. to 12 p.m., Saturday; provided that if operations are closed down before noon on a weekday by adverse weather conditions, operations may continue on the immediately following Saturday until 7 p.m. The operation shall be closed on Sundays and National Holidays.

Mass 23. Phase I of Mining Operation (Special Permit #1599) has finished and is no longer displayed on this Grading Plan.

**IG OPERATION**

LINCOLN

045

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INTERSTATE

HIGHWAY

PARROTT'S

POLIVKA'S

003

004

1828101005005

ADDITION

ADD.

LOT 17  
1.6 AC

N. 56TH CIR.  
(PVT. RDWY.)

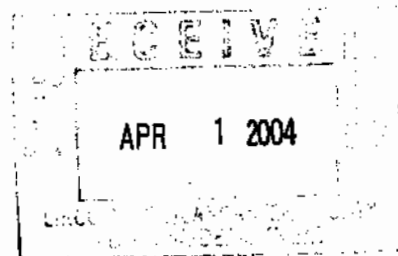
ARBOR

ROAD

## LEGAL DESCRIPTION

A Legal Description of a part of the remaining portion of Lot 2, Polivka's Addition to the City of Lincoln, located in the Northwest Quarter of Section 28, Township 11 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska and particularly described by metes and bounds as follows:

Referring to the Center One-Quarter Corner of Section 28, Township 11 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska; Thence N 00°11'52" W, (an assumed bearing), and on the East Line of the Northwest Quarter of said Section 28, a distance of 50.00 feet to a point on the Northerly Right-of-way line of Arbor Road; Thence S 89°59'55" W, and on the Northerly Right-of-way Line of said Arbor Road and parallel to the South Line of the Northwest Quarter of said Section 28, a distance of 374.84 feet to the POINT OF BEGINNING; Thence continuing on the last described course, S 89°59'55" W, and on the Northerly Right-of-way Line of said Arbor Road and parallel to the South Line of the Northwest Quarter of said Section 28, a distance of 61.94 feet; Thence N 89°11'57" W, and on the Northerly Right-of-way Line of said Arbor Road, a distance of 500.02 feet; Thence S 89°59'55" W, and on the Northerly Right-of-way Line of said Arbor Road and parallel to the South Line of the Northwest Quarter of said Section 28, a distance of 50.85 feet; Thence N 00°00'00" E, and parallel to the Easterly Line of Lot 4, Parrott's Addition to the City of Lincoln, located in the Northwest Quarter Section 28, Township 11 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska or the Westerly Line of the remaining portion of Lot 2, Polivka's Addition to the City of Lincoln, located in the Northwest Quarter of said Section 28, a distance of 1181.47 feet to a point on Northerly Line of the remaining portion of Lot 2 of said Polivka's Addition and also said point is on the Southerly Right-of-way Line of Interstate No. 80; Thence N 86°50'02" E, and on the Northerly Line of the remaining portion of Lot 2 of said Polivka's Addition or the Southerly Right-of-way Line of said Interstate No. 80, a distance of 207.28 feet; Thence N 89°36'42" E, and on the Northerly Line of the remaining portion of Lot 2 of said Polivka's Addition or the Southerly Right-of-way Line of said Interstate No. 80, a distance of 405.81 feet; Thence S 00°00'00" E, and parallel to the Easterly Line of Lot 4, of said Parrott's Addition or the Westerly Line of the remaining portion of Lot 2 of said Polivka's Addition, a distance of 1202.67 feet to the point of beginning and containing a calculated area of 732,524.56 square feet or 16.816 acres, more or less.



# Memorandum

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<b>To:</b>	Mike DeKalb, Planning Dept.
<b>From:</b>	Bruce Briney, Public Works and Utilities
<b>Subject:</b>	Special Permit #1778B, Wapiti Enterprises Renewal of Sand and Gravel Excavation Permit, North 56 <sup>th</sup> Street and Arbor Road
<b>Date:</b>	April 7, 2004
<b>cc:</b>	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #1778B by Wapiti Enterprises to renew the excavation permit at North 56<sup>th</sup> Street and Arbor Road. Public Works has no objection to the application.

Lancaster

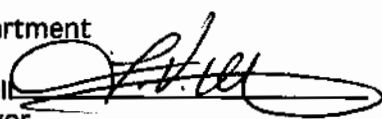
DON R. THOMAS - COUNTY ENGINEER

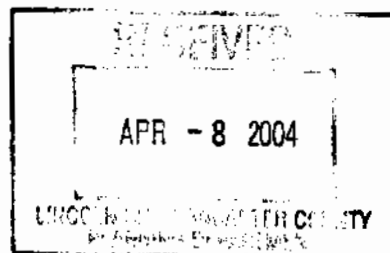
County

Engineering

Department

DEPUTY- LARRY V. WORRELL  
COUNTY SURVEYOR

**DATE:** April 7, 2004  
**TO:** Mike DeKaib  
Planning Department  
**FROM:** Larry V. Worrell   
County Surveyor  
**SUBJECT:** SPECIAL PERMIT #1778  
WAPITI ENTERPRISES, INC.



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Upon review, this office has no direct objections to this renewal, subject to all previous conditions remaining in effect.

cc: Dennis Bartels, Public Works

LVW/cm

SPEC-TRP.PMT/#1778 SP (Wapiti).Mem 3